

**Washington State Human Rights Commission
MEETING OF
April 29, 2005**

**Holiday Inn Express
Sea Tac, WA**

MINUTES

ATTENDENCE

Commissioners: J. Reiko Callner, Commission Chair; Ellis Casson; Dallas Barnes; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Jerry Lee and Berneta Walraven, Operations Managers; and Traci Friedl, Assistant Attorney General.

OPENING AND WELCOME

(Audio tape one – side one)

Commissioner Callner called the meeting to order at 9:15 a.m. She then called for a moment of silence on for the Red Lake Indians.

APPROVAL OF MINUTES

Tanya Calahan reviewed action items from the March 18, 2005 meeting. The Commissioners will consider approval of those minutes at the May 20, 2005 meeting.

CASE CLOSURES

The Commissioners discussed several cases before them for approval.

In the case of Bieloh v. Olympic Coffee the Commissioners discussed why the case was it a no reasonable cause when the respondent made the comment that the complainant “was nuts.” After analysis, the single inappropriate comment did not rise to the level of severe and pervasive.

Executive Director Marc Brenman asked that the Commissioners set aside approval for the following cases: Boone v. Music Vend; Reynaga v. Whirlwind Services; and Schaff v. Childhaven.

Operations Manager Berneta Walraven provided an explanation regarding the two Loveland v. Fred Meyer no reasonable cause cases. The cases should have been merged into one by amending the first complaint. Staff will do that with future similar cases.

Berneta Walraven highlighted the Smith-Jeter and Jeter v. Housing Hope et. al. case. It is a settlement agreement. Karen Pierolo was the investigator. The Jeters received \$2000, their parking space back, training for respondent, and a policy change. Ms. Walraven asked that the Commissioners approve this case.

She also highlighted the Ference v. King County Housing Authority case. The case was originally no reasonable cause, the Commissioners granted reconsideration, and recently, Investigator Karen Pierolo negotiated a settlement agreement. The complainant will benefit significantly from the terms of the settlement agreement. Respondent agreed to accommodate her disability.

Commissioner Barnes made a motion to approve the case list with the exception of the cases noted by Marc Brenman; including the conciliation failures, and the conditional approval of the Ference case. The Commissioners approval of the Ference case takes effect after the US Department of Housing and Urban Development approves the settlement agreement and signs it. Commissioner Hebert seconded the motion. MOTION CARRIED.

Discussion ensued about the number of “administrative closure-failure to locate” cases and the efforts utilized to find individuals. Sometimes it’s difficult to find them if the cases are old.

(Audio tape one – side two)

Equal Opportunity Compliance Investigator Frank Trevino spoke about investigator caseloads and the efforts used to prioritize a large caseload.

There was also discussion about addressing aging cases and what the operations managers are doing to address them with their staff.

In the Kruzner v. Department of Social and Health Services – Western State Hospital settlement, Commissioner Barnes acknowledged Investigator Merry Kogut’s work on the significant settlement amount (\$29,000).

Commissioner Casson raised concern about the level of questions that the Commissioners ask about cases each month. The Commissioners routinely spend a significant amount of time commenting about cases and asking staff to make corrections. Staff should be able to find and address these errors before they come to the Commissioners.

Commissioner Callner commented about the quality control issue and the role that the Commissioners play on a policy level by reviewing and approving case closures.

EXECUTIVE DIRECTOR'S REPORT

Marc Brenman spoke about his monthly Executive Director's Report. Commissioner Hebert expressed thanks to Mr. Brenman and his staff to work on the budget issue with the Senate. Commissioner Callner noted that "Justice" Baker should be changed to "Judge" Baker on page four of Mr. Brenman's report.

Commissioner Hebert asked staff for a line item budget; which will provide greater budget detail.

The Commissioners discussed the work that consultant Dee Endleman will do on behalf of the agency.

Discussion ensued about the WSU incident and how the Commissioners should respond to such issues and how they will consult one another in a special meeting.

NEW BUSINESS

The Commissioners discussed possible funding options for the Governor's Committee on Disability Issues & Employment (GCDE). The agency gave GCDE \$4000 in 1993 and \$5000 in 2001. The interagency agreement was signed in 1993.

Commissioner Callner suggested assisting GCDE in finding steady sources of revenue.

Commissioner Casson shared that if we provide funding it should be with the understanding that it would be one time only but the Commission could help them seek other funding.

Commissioner Callner made a motion that the Commission authorize one time funding in the amount of \$1000 to GCDE in support of their request for funds and then accompany it with a letter establishing the Commission's position that it's not positioned to be a regular funding source. The Commission would assist them in finding more sustainable funding sources. The limited amount of the grant, acknowledges that the Commission itself is also a small agency with limitations. The Commission would then encourage the Governor's office to provide a funding source or assist them in ideas of seeking regular funding. Commissioner Casson seconded the motion. Discussion ensued.

Commissioner Hebert expressed concern about setting a precedent for providing funds to GCDE. He prefers to “teach them to fish” and find their own funding sources. Discussion continued. MOTION FAILED.

Commissioner Hebert made a motion to decline funding from the Commission’s budget to GCDE but to instead offer technical assistance to advocate at the Governor’s Office, the legislature, and other appropriate agencies for steady funding options in lieu of the monetary option from the Commission. Commissioner Lee seconded the motion. MOTION CARRIED.

(Audio tape two – side two)

Commissioner Callner suggested prioritizing items under new business and tabling the ad hoc public forum discussion and student roundtable video discussion to a future meeting.

POSITION ON HUMAN RIGHTS ISSUES

The Commissioners discussed whether or not to take a position on a human rights issue. The then decided by consensus to take the position to decline taking a stand on international and national issues that do not have an affect on the core mission of the agency.

COMMISSIONER ACTIVITIES

Commissioner Barnes is assisting the Pasco School District on their strategic plan.

Commissioner Lee was elected to the Board of United Indians. She attended a meeting at Evergreen State College with Marc Brenman. She also went to the signing of the three treaty bills. In June 2005, she’s going to an event on increasing diversity in schools with her daughter’s principal. She invited Commissioner Casson to attend.

Commissioner Hebert spent time at the Capital. Representative Chase asked him to participate in a panel regarding the issues affecting minority businesses in Shoreline on May 12, 2005. Commissioner Lee would like to attend the hearing as a citizen.

Commissioners Hebert and Lee will meet with the Chief of the Makah Tribe in May.

Commissioner Callner spoke about the recent Rita Bender speech. Ms. Bender will come back to Olympia on July 26, 2005 to an event sponsored by the Attorney General’s office. Milt Ruffins is coordinating it. Commissioner Callner will visit Thurgood Marshall Middle School to assist with a civil rights curriculum.

Commissioner Hebert suggested that the Commissioners visit an interment memorial while in Silverdale. The greater community is opposed to the memorial and wants a WWII memorial instead. He wants the Silverdale forum on June 23, 2005 to focus on human rights issues and race relations and things that are going on in the broad community. He offered to arrange tours of the tribes in the area.

RECONSIDERATION PROCESS

Tanya Calahan explained the reconsideration process. There was discussion about the customer service component of the reconsideration process. Commissioner Hebert requested to be advised about does not meet criteria cases.

Tanya Calahan explained the contents of the Commission's Reconsideration Policy and the historical practice of not contacting the respondent and the items presented during the course of the investigation.

(Audio tape three – side one)

There was further discussion about the problems with the reconsideration process. The Commissioners discussed what documents they wanted to see. Extensive discussion took place about the reconsideration policy and process.

Commissioner Hebert suggested time in the morning of Commission meetings to review the complainant's petition for reconsideration and then also looking at the list of documents available.

Commissioner Lee suggested looking at other sister agencies handle their reconsideration or appeal process. Operations Manager Berneta Walraven will look into what other agencies do.

(Audio tape three – side two)

Further discussion took place about the reconsideration process. Tanya Calahan will get materials to the Commissioners about the upcoming reconsiderations in advance of the Commission meeting.

Sharon Ortiz is coordinating the public forum in Spokane on May 19, 2005 on race related issues.

(Audio tape four – side one)

Commissioner Casson made a motion to adjourn the meeting. Commissioner Hebert seconded the motion. MOTION CARRIED.

There being no further business, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners